

# EXHIBIT G

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**ATTORNEY WORK PRODUCT**

**TUCKER ELLIS & WEST LLP**

**MEMORANDUM**

May 6, 2010

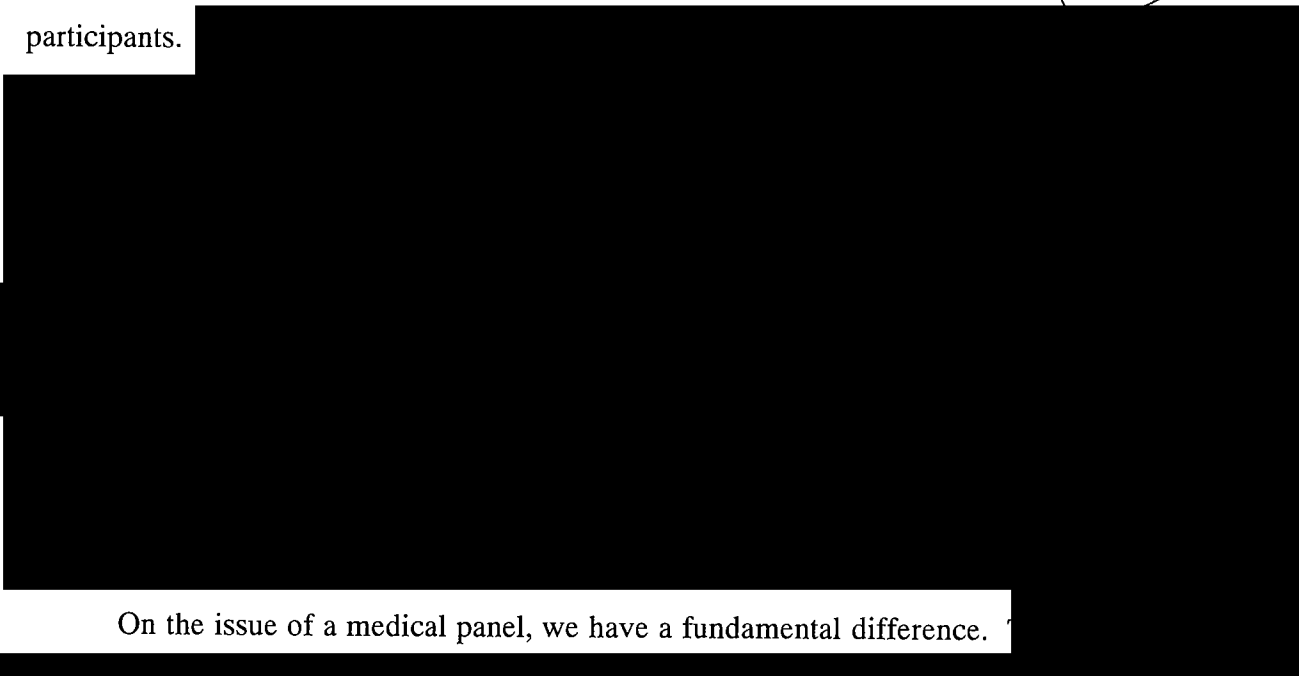
**TO:** File

**FROM:** Matthew P. Moriarty

**RE:** Digitek® - Meeting with PSC Lead Negotiators on 5/5/10

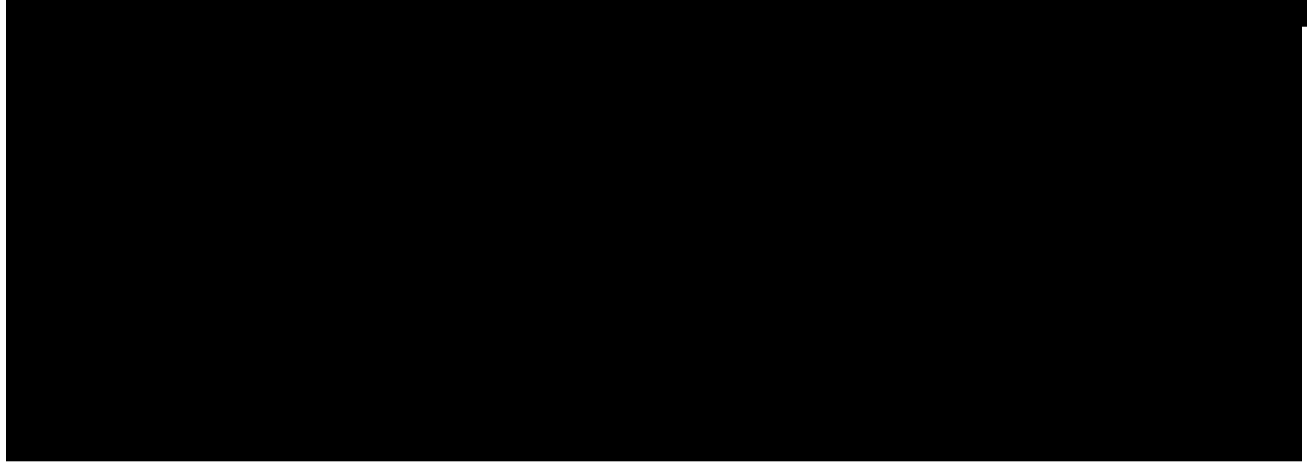
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The first subject we discussed was whether Fred could deliver a substantial present of the participants.



*present*

On the issue of a medical panel, we have a fundamental difference.



Who should the special master be?

[REDACTED]

The amount of administrative expenses depends on the <sup>role</sup> roll of the panel and administrator. The more the lawyers can do, the less those expenses become. The common fund expenses are probably less than a million now, but only involve things like court reporters, transcripts and experts. In 60-90 days that will double. The fund does not include individual lawyer expenses, such as travel. They will increase over the next 60-90 days, but not double.

Fred thinks that the PSC should have substantial discretion in distributing the common fee fund. Class action cases have a typical percentage in relationship to the ultimate settlement, and they would try to stay within those relationship numbers.

[REDACTED]

[REDACTED] People have been keeping track of hours. He thinks \$5-6 million would probably cover it now. I would need to know more about what the defense lawyers fees have been in order to assess whether that is reasonable.

[REDACTED]

The Plaintiffs lawyers seemed rather anxious to me to press a deal so that they did not have to incur substantial expenses throughout the summer. My instincts tell me that they realize they have potential vulnerabilities on *Daubert* and would prefer not to have to produce experts' reports at all. From one perspective you might say we are using this to our advantage because they might take a lower figure now. I am not sure how others would look at this.

*Maybe keep negotiating and beat up some of their experts, with the serious negotiations occurring in July.*